

**Community Facilities Text Amendment
CEQR No. 04DCP025Y
Draft Scope of Work
for the Environmental Impact Statement
December 12, 2003**

A. PROJECT DESCRIPTION

The New York City Department of City Planning (DCP) and the New York City Council Land Use Committee are proposing to modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution (ZR)* regarding community facilities (see Attachments B and C of the Environmental Assessment Statement). The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk and parking regulations included in the *Zoning Resolution* with regard to community facilities. The proposal involves changes affecting: (a) use regulations for houses of worship, health care facilities, and college dormitories; (b) special provisions for adult establishments in manufacturing districts; (c) rear yard obstructions for community facilities; (d) community facility floor area ratios in local retail and service commercial overlay districts; (e) off-street parking requirements for houses of worship and health care facilities; and (f) parking lot screening for community facilities.

B. CITY ENVIRONMENTAL QUALITY REVIEW (CEQR)

CEQR Review

New York City has formulated an environmental review process, CEQR, pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations (Part 617 of 6 New York Codes, Rules and Regulations). The City's CEQR rules are found in Executive Order 91 of 1977 and subsequent rules and procedures adopted in 1991 (62 Rules of the City of New York, Chapter 5). CEQR's mandate is to assure that governmental agencies undertaking actions within their discretion take a "hard look" at the environmental consequences of each of those actions so that all potential significant environmental impacts of each action are fully disclosed, alternatives that reduce or eliminate such impacts are considered, and appropriate, practical measures to reduce or eliminate such impacts are adopted.

The CEQR process begins with selection of a "lead agency" for the review. The lead agency is generally the governmental agency that is most responsible for the decisions to be made on a proposed action and that is also capable of conducting the environmental review. For the Community Facilities Text Amendment proposal, the New York City Department of City Planning (DCP) is the CEQR lead agency.

The lead agency, after reviewing the Environmental Assessment Statement (EAS), has determined that the proposed actions have the potential for significant adverse environmental impact and that an Environmental Impact Statement (EIS) must be prepared. A public scoping of the content and technical analyses of the EIS is the first step in its preparation, as described

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

below. Following completion of the scoping, the lead agency oversees preparation of a draft EIS (DEIS) for public review. This review is coordinated with the public review required as part of the Uniform Land Use Review Process (ULURP). The ULURP application for the proposed text amendments must contain a completed DEIS, so that public review of the DEIS begins with public review under ULURP.

The lead agency and the City Planning Commission hold a joint ULURP/CEQR hearing during the Commission's period for consideration of the application. That hearing record is held open for 10 days following the open public session, at which time the public review of the DEIS ends. The lead agency then oversees preparation of a final EIS (FEIS), which incorporates all relevant comments made during public review of the DEIS. The FEIS is the document that forms the basis of CEQR findings, which the lead agency and each involved agency must make before taking any action within its discretion on the proposed project.

Scoping

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the proposed action. The process at the same time allows other agencies and the public a voice in framing the scope of the EIS. A public scoping meeting will be held at 1 PM on January 13, 2004 at the Department of City Planning, Spector Hall, 22 Reade Street in New York, New York. The period for submitting written comments will remain open until January 23, 2004. The final Scope of Analysis for an EIS will incorporate all relevant comments made on the scope and will revise the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. The DEIS will be prepared in accordance with the final Scope of Analyses for an EIS.

C. PROPOSED SCOPE OF THE ENVIRONMENTAL IMPACT STATEMENT

The EIS will be prepared in conformance with all applicable laws and regulations, including Executive Order No. 91 and the regulations of CEQR. The EIS will follow the guidance of the *CEQR Technical Manual*. The EIS will contain:

- . A description of the proposed action;
- . A statement of the environmental impacts of the proposed action, including its short- and long-term effects and typical associated environmental effects;
- . An identification of any adverse environmental effects that cannot be avoided if the proposed action is implemented;

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

- A discussion of alternatives to the proposed action;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the proposed action should they be implemented; and
- A description of mitigation proposed to minimize any adverse environmental impacts resulting from the proposed action.

The analysis will be based on an analysis year of 2014. It is expected that the proposed text would be adopted in late 2004. Typically, CEQR assessments of citywide actions such as the proposed action consider a ten-year build-out period. A ten year analysis horizon allows for the full effects of the proposed action to be identified and assessed.

The proposed action is a city-wide action and is not intended to facilitate a specific development or project. Accordingly, the analyses presented in the EIS will not be site-specific. Instead, to the extent practicable, the EIS will consider “prototypical” development scenarios that are representative of the types of developments that could occur as a result of the proposed action. In addition, the analyses will address the range of conditions under which the proposed action would take place, so that the full range of impacts can be identified.

The specific tasks are described below.

Task 1: Project Description

The first chapter of the EIS introduces the reader to the proposed actions and sets the context in which to assess impacts. The chapter will contain a project identification (brief description of proposed text amendment and location of the affected areas); the background and/or history of the proposed action; a statement of purpose and need for the proposed action; a detailed description of the proposed action, including any projected development and likely effects resulting from the proposed action; procedures to be followed, and the role of the EIS in the process. The chapter is the key to understanding the proposed action and its impacts, and gives the public and decision-makers a base from which to evaluate the project and its potential impacts.

The role, if any, of any other public agency in the approval process will also be described. The role of the EIS as a full disclosure document to aid in decision-making will be identified and its relationship to any other approval procedures will be described.

Task 2: Land Use, Zoning, and Public Policy

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. The EIS will:

- A. Describe the existing zoning and recent, relevant zoning actions, if any, in the affected areas.
- B. Describe predominant land use patterns in the affected areas, including a description of recent development trends.
- C. Describe any public policies that apply to the affected areas, including relevant development projects and plans for public improvements as well as any adopted 197a or other public policy plans.
- D. Identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the affected areas as they relate to the proposed action.
- E. Assess impacts of the proposed action on land use and land use trends, zoning, and public policy.

Task 3: Socioeconomic Conditions

As noted in the *CEQR Technical Manual*, socioeconomic impacts may occur when an action would directly or indirectly change economic activities in an area. The purpose of the socioeconomic assessment is to disclose changes that would be created by the proposed action and identify whether they are of a significant level. The *CEQR Technical Manual* provides guidelines to determine whether a socioeconomic assessment is appropriate. Typically, a socioeconomic assessment is required if a proposed action meets one or more of the following tests: (a) the action would directly displace residential population so that the socioeconomic profile of the neighborhood would be substantially altered; (b) the action would displace substantial numbers of businesses or employees, or would displace a business that plays a critical role in the community; (c) the action would result in substantial new development that is markedly different from existing uses in a neighborhood; (d) the action may affect conditions in the real estate market not only on the site anticipated to be developed, but in a larger area; and (e) the action may adversely affect economic conditions in a specific industry.

As recommended in the *CEQR Technical Manual*, a screening analysis will consider the five circumstances mentioned above to determine whether further analyses of socioeconomic conditions are warranted. If the screening analysis indicates that the proposed action would

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

exceed thresholds described in the *CEQR Technical Manual*, preliminary assessments will be prepared, following *CEQR Technical Manual* methodologies, to determine whether detailed analyses are warranted.

Task 4: Community Facilities and Services

Community facilities are public or publicly-funded facilities such as schools, hospitals, libraries, day care centers, and fire and police protection. Consistent with the *CEQR Technical Manual*, a preliminary screening analysis will be conducted that will look at the potential effect of the proposed action on the provision of services provided by such facilities. The following tasks are proposed for the community facilities analysis:

- A. Determine the potential of the proposed action to result in the physical alteration of such community facilities, whether by displacement of such community facilities or other physical changes. If so, assess the service delivery of facilities and the potential effect that the physical change may have on that service delivery (“direct” effect).
- B. Determine the potential of the proposed action to result in temporary direct effects (for example, the closing of facilities during a phase of construction).
- C. Determine the potential of the proposed action to result in the addition of population to any areas. If so, assess how that population would have a demand for services and potential “indirect” effects on service delivery. Depending on the size, income characteristics, and age distribution of the new population, determine if there are potential effects on public schools, libraries, health care facilities, or day care centers.

Task 5: Open Space

The open space analysis will determine whether the proposed action will affect the quantitative and qualitative measures of open space adequacy within the directly affected areas of the proposed action. A screening analysis will be performed to determine whether development resulting from the proposed action has the potential to exceed any of the preliminary analysis thresholds identified in the *CEQR Technical Manual*. If such thresholds are exceeded, further analysis would be conducted pursuant to the *CEQR Technical Manual* guidelines.

Task 6: Shadows

Screening analyses will be performed for this task, following the methodology recommended in the *CEQR Technical Manual*, to determine whether development resulting from the proposed action

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

would have the potential to cast new shadows on sunlight sensitive features. The following tasks will be performed in the analysis:

- A. For any part of the proposed action that could result in new structures or additions to existing structures, an assessment will be made of the potential of such structures or enlargements to be greater than 50 feet in height or adjacent to parks, historic landscapes, or other historic resources, or important natural features. The screening assessment will consider prototypical development scenarios in the range of areas likely to be affected by the proposed action.
- B. If any aspects of the proposed action could result in structures/additions greater than 50 feet in height, more detailed shadow analyses may be performed, following *CEQR Technical Manual* methodologies. If warranted, such analyses would be based on prototypical development scenarios.

Task 7: Historic Resources

According to the *CEQR Technical Manual*, historic resources include both architectural and archaeological resources. The historic resources analysis will assess whether the proposed action would have a significant adverse impact on historic resources. The proposed action would eliminate current special permit provisions governing the development of houses of worship in M1 districts, allowing such development to occur on an as-of-right basis. This change could result in additional development in M-districts. If such development were to occur on sites where archaeological remains exist, or in areas where significant architectural resources are present, significant adverse impacts could result. The following tasks are proposed for the historic resources analysis:

- A. For archaeological resources, the analysis will consider the extent to which the proposed action could result in increased ground disturbance in areas where significant archaeological remains might exist. This analysis will likely assess prototypical development scenarios for houses of worship in M1 districts.
- B. For architectural resources, a screening analysis will be conducted to determine whether detailed analyses are warranted. Based on prototypical development scenarios, the screening analysis will consider the potential for development resulting from the proposed action to directly or indirectly affect significant architectural resources.

Task 8: Urban Design/Visual Resources

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

A preliminary urban design/visual resources assessment will consider the potential for the proposed action to result in a significant urban design/visual resources impact. Based on prototypical development scenarios, the analysis will:

- A. Consider whether the proposed action would result in buildings or structures substantially different in height, bulk, form, setbacks, size, scale, use, or arrangement.
- B. Consider whether the action would change block form; or would demap an active street; would map a new street; or would affect the street hierarchy, street wall, curb cuts, pedestrian activity, or other streetscape elements.
- C. Consider whether any buildings or structures identified in A above are likely to be located in areas that include significant visual resources.

Task 9: Neighborhood Character

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include noise levels, traffic, and pedestrian patterns. Development resulting from the proposed action has the potential to affect the character of the areas in which the action would occur.

The EIS will include a screening analysis for neighborhood character to determine whether detailed analyses are warranted. The screening analyses will consider the conclusions of other relevant sections of the EIS (including land use, zoning, and public policy; urban design and visual resources; historic resources; socioeconomic conditions; traffic; and noise). If the preliminary thresholds are exceeded, detailed analyses will be prepared.

Task 10: Natural Resources

To determine whether significant adverse impacts on natural resources might occur as a result of the proposed action, the following tasks will be performed per the *CEQR Technical Manual*:

- A. Characterize natural resources in areas where development is likely to occur as a result of the proposed action, with a focus on M1 districts and C1/C2 districts.
- B. Based on prototypical development scenarios, consider whether development resulting from the proposed action is likely to disturb natural resources.

Task 11: Hazardous Materials

Hazardous materials impacts can occur when a proposed action results in increased exposure of people or the environment to hazardous materials and the increased exposure results in significant public health impacts or environmental damage. The proposed action would allow new houses of worship in M-districts as-of-right. This change could result in increased development in M-districts. Because of the possibility that such areas might be characterized by hazardous materials contamination, and because there is an increased potential for ground disturbance in areas that otherwise would not be developed, the proposed action has the potential to result in significant adverse hazardous materials impacts. Based on the *CEQR Technical Manual*, a hazardous materials assessment will be provided as follows:

- A. Based on prototypical development scenarios for houses of worship in M-districts, determine the extent to which the proposed action would result in increased ground disturbance and increased pathways of exposure, either human or environmental.
- B. Characterize, to the extent practicable, possible hazardous materials contamination in areas directly affected by the proposed action. Given the citywide nature of the proposed action, such a characterization is likely to be broad. The assessment will consider the analyses conducted in connection with previous environmental reviews for churches in the districts pursuant to existing special permit regulations.

Task 12: Waterfront Revitalization Program

The Local Waterfront Revitalization Program (LWRP) applies to all discretionary actions in the designated coastal zone. Some of the areas that would be affected by the proposed text amendment are located within the state and City's Coastal Zone, and therefore must be assessed for consistency with the Waterfront Revitalization Program per the *CEQR Technical Manual*. The WRP analysis will be provided as follows:

- A. Evaluate the potential of the proposed action for inconsistency with the LWRP policies by filling out a Consistency Assessment Form.
- B. If any of the answers to the questions on the form are "yes", indicating that a particular policy or policies of the LWRP may be relevant, then further examination of that subject would be warranted. An explanation will be prepared to assess the consistency of the proposed action with the noted policy or policies.

Task 13: Infrastructure

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

To determine if the proposed action would result in significant adverse infrastructure impacts, the following tasks will be performed:

WATER SUPPLY

A. Average and peak water demand will be estimated based on prototypical development scenarios and other development projections as described in the project description chapter. The effects of incremental demand on the system, if any, will be assessed to determine if there is sufficient capacity to maintain adequate supply and pressure.

SEWAGE

B. Sanitary sewage generation for the proposed action will be estimated based on prototypical development scenarios and other development projections as described in the project description chapter. The effects of incremental demand on the system, if any, will be assessed to determine if there will be any impact on operations of the relevant water pollution control plants that serve the affected areas.

STORM WATER

C. Describe increases in storm water generated by the proposed action, if any, based on prototypical development scenarios and other development projections as described in the project description chapter.

Task 14: Solid Waste and Sanitation Services

To determine if the proposed action would result in significant adverse solid waste and sanitation impacts, the following tasks will be performed:

A. Existing and future New York City solid waste disposal practices will be described briefly, including the collection system and status of landfilling, recycling, and other disposal methods.

B. The potential impacts of the proposed action's solid waste generation on the City's collection needs and disposal capacity will be assessed based on prototypical development scenarios and other development projections as described in the project description chapter.

Task 15: Energy

To determine if the proposed action would result in significant adverse energy impacts, the following tasks will be performed:

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

A. The energy systems that would supply development resulting from the proposed action with electricity and/or natural gas will be described. This will include descriptions of the capacity and existing demand of the entire systems, and of the distribution networks.

B. The energy usage for development resulting from the proposed action will be estimated, based on prototypical development scenarios and other development projections as described in the project description chapter. The effect of this new demand on the energy supply systems will be assessed.

Task 16: Traffic and Parking

The proposed action would facilitate low- or low- to moderate-density development in the affected areas. The traffic and parking analysis will:

A. Based on prototypical development scenarios and other development projections as described in the project description chapter, screening analyses will be performed to determine whether any aspect of the proposed action would exceed the preliminary analysis thresholds identified in Table 3O-1 of the *CEQR Technical Manual*.

B. If warranted, a preliminary trip generation analysis– and, possibly, traffic impact analysis– will be performed to determine the volume of vehicular trips expected during the peak hour per the methodologies outlined in the *CEQR Technical Manual*.

Task 17: Transit and Pedestrians

The proposed action would facilitate low- or low- to moderate-density development in the affected areas. The transit and pedestrian analysis will:

A. Based on prototypical development scenarios and other development projections as described in the project description chapter, screening analyses will be performed to determine whether any aspect of the proposed action would exceed the preliminary analysis thresholds identified in Table 3O-1 of the *CEQR Technical Manual*.

B. If warranted, a preliminary trip generation analysis will be performed to determine the volume of pedestrian and transit trips expected during the peak hour per the methodologies outlined in the *CEQR Technical Manual*.

Task 18: Air Quality

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

Based on prototypical development scenarios and other development projections as described in the project description chapter, screening analyses will be performed pursuant to the methodologies of the *CEQR Technical Manual* to determine whether any of the initial analysis thresholds for mobile source or stationary source air quality would be exceeded.

If warranted, further analysis will be performed per the *CEQR Technical Manual*.

Task 19: Noise

Based on prototypical development scenarios and other development projections as described in the project description chapter, screening analyses will be performed pursuant to the methodologies of the *CEQR Technical Manual* to determine whether any of the initial analysis thresholds for mobile source, stationary source, or construction source noise would be exceeded.

If warranted, further analysis will be performed per the *CEQR Technical Manual*.

Task 20: Construction Impacts

Construction impacts are analyzed for any action that would involve construction or could induce construction. The *CEQR Technical Manual* calls for an assessment of construction-related impacts, with a focus on historic and archaeological resources, transportation, air quality, noise, hazardous materials, and natural resources. In accordance with the *CEQR Technical Manual*, the EIS will include an assessment of any substantial construction impacts that may result from the proposed action.

Task 21: Public Health

In accordance with the *CEQR Technical Manual*, the EIS will include an assessment of any substantial public health concerns that may result from the proposed action.

Task 22: Mitigation

Where significant project impacts have been identified in the analyses discussed above, measures will be assessed to mitigate those impacts. This task summarizes the findings and prepares the mitigation chapter for the EIS. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Community Facilities Text Amendment
Draft Scope of Work for the Environmental Impact Statement

Task 23: Alternatives

The specific alternatives to be analyzed are typically finalized with the lead agency as the proposed action's impacts are clarified. However, they must include the No Build Alternative and an alternative that reduces any identified impact. The alternative analysis depends on an assessment of impacts determined by the analysis connected with the appropriate tasks.

Task 24: Executive Summary

Once the EIS technical sections have been prepared, a concise executive summary will be drafted. The executive summary will utilize relevant material from the body of the EIS to describe the proposed action, its environmental impacts, measures to mitigate those impacts, and alternatives to the proposed action.